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CERTIFICATE OF MAILING UNDER 37 CFR 1.8

I hereby certify that the following documents, with respect to Ser. No. 10/627,415 to Bybee et al., are being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on this 25th day of May, 2004:


Response to Decision Refusing Status Under 37 CFR 1.47(a);

Copies of 4 letters as evidence in support of response;

Copies of Certified Mail and Registered Mail Receipts, and corresponding Return Receipts for the letters;

Request for one-month extension of time; and

Credit Card Payment Form for extension of time.



Mark Frederiksen



\$ DAC
IFW Hw

PATENT
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellant : Thomas L. Bybee et al.
Serial No. : 10/627,415
Title : Two-Axis Robot for Specimen Transfer
Group Art Unit : 3652

RESPONSE TO DECISION REFUSING STATUS UNDER 37 CFR 1.47(a)

Mail Stop Petition
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

A Decision Refusing Status Under 37 CFR 1.47(a) was mailed March 16, 2004. Applicant was given two months to respond, correcting the noted deficiencies. In particular, the Petitions Examiner indicated that the petitioners had not provided sufficient proof that a copy of the complete application was sent to the non-signing inventor. The Petitions Examiner then stated that the Petitioners should show that copies of the application papers were presented to the non-signing inventors, but the non-signing inventors did not respond to the petitioner's request that they sign the oath/declaration, in order to show that the inventors have refused to join in the application.

The above-described action has been taken. More particularly, the undersigned attorney for Petitioner sent a letter dated March 16, 2004 to each of the non-signing inventors – Thomas Bybee, Dave Murphy, Steve Wright and Sheri Kime – via Certified Mail and Registered Mail, Return Receipt Requested, with a copy of the complete patent application enclosed. A copy of each of those letters is attached hereto. The letter (with enclosed patent application) to Mr.

Bybee was delivered on March 18, 2004, as indicated in the copy of the Return Receipt, attached to the copy of the letter. The letter (with enclosed patent application) to Mr. Wright was delivered March 25, 2004, as indicated on the copy of the Return Receipt, attached to the copy of his letter. The letter (with enclosed patent application) to Mr. Murphy was delivered March 24, 2004, as indicated on the copy of the Return Receipt, attached to the copy of his letter. The Post Office attempted to deliver the letter (with enclosed patent application) to Ms. Kime, on at least two occasions; but delivery was refused. The unopened envelope was returned to the undersigned by the Post Office, and a copy of that envelope is attached hereto as evidence of the refusal to accept the documents.

The non-signing inventors were therefore given the opportunity to review the complete application and sign the Declaration. The undersigned attorney also provided ample opportunity for affirmatively indicating their refusal to sign by: (1) returning a signed statement in an enclosed self-addressed envelope stating that the inventor refuses to sign, (2) telephone the undersigned attorney to indicate a refusal to sign, or (3) do nothing, and the absence of a response within 10 days of receipt of the documents would be presumed to be a refusal to sign. As of the date of this response (well beyond the 10 days set forth in the letter), Mr. Bybee, Mr. Wright and Mr. Murphy have not agreed to sign the oath/declaration in the application, although they have clearly had the opportunity to do so after reviewing the complete application. Furthermore, it must be presumed that Ms. Kime refuses to join in the application, since she has refused to accept a copy of the application and documents for signature.

It is believed that this evidence corrects the noted deficiency in the original Petition, and that all of the requirements of 37 CFR 1.47(a) have been met, and it is therefore requested that this Petition be granted.

A request for a one-month extension of time under 37 CFR 1.136(a) and a Credit Card Payment Form in the amount of \$110 for the associated fee is enclosed herewith.

If any further information is required to expedite this process, please feel free to contact the undersigned.

Respectfully submitted,

A handwritten signature in cursive script that reads "George R. Nimmer".

George R. Nimmer
Registration No. 21,004
Attorney of Record
PO Box 252
Omaha, NE 68101-0252
(402) 393-0151



GEORGE R. NIMMER
PATENT ATTORNEY

PO Box 252
OMAHA, NE 68101-0252
(402) 393-0151

March 16, 2004

Mr. Thomas L. Bybee
10285 Grand Ave.
Omaha, NE 68134

Certified Mail
Return Receipt Requested

Re: (1) U.S. Pat. App. Ser. No. 10/626,466 - Specimen Carrier Transfer Apparatus;
(2) U.S. Pat. App. Ser. No. 10/627,342 - Transfer and Positioning Apparatus for
Automated Conveyor System; and
(3) U.S. Pat. App. Ser. No. 10/627,415 - Two-Axis Robot for Specimen Transfer.

Dear Mr. Bybee:

I represent Lab-InterLink with respect to the filing and prosecution of the above-identified patent applications. It is my understanding that my client has contacted you in the past with a request that you sign an Oath/Declaration and an Assignment for each of the above applications. I also understand that you have refused to respond to that request.

I am writing to make one last attempt to obtain the requested signatures, or to obtain a specific refusal to sign these documents. I am enclosing a copy of each of the above-identified patent applications, a Declaration for each application, and an Assignment for each application. If, after reviewing these documents, you maintain your intent to refuse to sign, please respond by either signing the "Refusal" enclosed herewith, or contact me directly (or leave a message on my answering machine) at the number above. I am enclosing a self-addressed envelope for either the signed Declarations and Assignments or the signed "Refusals".

If I receive no response from you within 10 days of receipt of these documents, I must take this silence to be a refusal to sign any of the documents.

Sincerely,

George R. Nimmer

Cc: Lab-InterLink

Enclosures - Patent applications, Declarations, Assignments, Refusal Slips, envelopes



7003 3110 0005 4323 4378

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Here

03/16/2004

Sent To	Thomas Bybee
Street, Apt. No., or PO Box No.	10285 Grand Ave.
City, State, ZIP+4	Omaha, NE 68134

PS Form 3800, June 2002 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Thomas L. Bybee
10285 Grand Ave
Omaha, NE 68134

2. Article Number
(Transfer from sel)

7003 3110 0005 4323 4378

COMPLETE THIS SECTION ON DELIVERY

A. Signature X	<input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee
B. Received by (Printed Name) Thomas Bybee	C. Date of Delivery 3-18-04
D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	

3. Service Type:	
<input checked="" type="checkbox"/> Certified Mail	<input type="checkbox"/> Express Mail
<input type="checkbox"/> Registered	<input type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Insured Mail	<input type="checkbox"/> C.O.D.
4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	

PS Form 3811, August 2001

Domestic Return Receipt

102595-02-M-1540



GEORGE R. NIMMER
PATENT ATTORNEY

PO Box 252
OMAHA, NE 68101-0252
(402) 393-0151

March 16, 2004

Mr. Dave Murphy
Box 83
Goodwood, Ontario
CANADA L0C 1A0

Registered Mail
Return Receipt Requested

Re: U.S. Pat. App. Ser. No. 10/627,415 – Two-Axis Robot for Specimen Transfer

Dear Mr. Murphy:

I represent Lab-InterLink with respect to the filing and prosecution of the above-identified patent application. It is my understanding that my client has contacted you in the past with a request that you sign an Oath/Declaration and an Assignment for this application. I also understand that you have refused to respond to that request.

I am writing to make one last attempt to obtain the requested signatures, or to obtain a specific refusal to sign these documents. I am enclosing a copy of the above-identified patent application, a Declaration for the application, and an Assignment for the application. If, after reviewing these documents, you maintain your intent to refuse to sign, please respond by either signing the "Refusal" enclosed herewith, or contact me directly (or leave a message on my answering machine) at the number above. I am enclosing a self-addressed envelope for either the signed Declaration and Assignment or the signed "Refusal".

If I receive no response from you within 10 days of receipt of these documents, I must take this silence to be a refusal to sign the documents.

Sincerely,

George R. Nimmer

Cc: Lab-InterLink

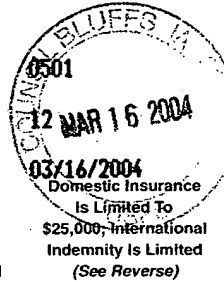
Enclosures – Patent application, Declaration, Assignment, Refusal Slip, envelope



Registered No.

RR742115136US

Date Stamp



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	Handling \$	Delivery \$
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	Postage \$	Receipt \$
	Postage \$	Restricted \$
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	Customer Must Declare Full Value \$	<input type="checkbox"/> With Postal Insurance
		<input type="checkbox"/> Without Postal Insurance
	FROM	George R. Nimmer
		PO Box 252
	51501	
	Omaha, NE 68101-0252	
	TO	Dave Murphy
		CA Canada
		Box 83
		Goodwood, Ontario
		CANADA LOC 1A0

PS Form 3806,
June 2000

Receipt for Registered Mail

(Customer Copy)

(See Information on Reverse)

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	Insured Parcel (Colis avec valeur déclarée)	Insured Value (Valeur déclarée)		Article Number		
	Office of Mailing (Bureau de dépôt)		Date of Posting (Date de dépôt)			
	Addressee Name or Firm (Nom ou raison sociale du destinataire)		Dave Murphy			
	Street and No. (Rue et No.)		Box 83			
Completed at destination (A compléter à destination)	Place and Country (Localité et pays)		Goodwood, Ontario CANADA LOC 1A0			
	This receipt must be signed by: (1) the addressee; or, (2) a person authorized to sign under the regulations of the country of destination; or, (3) if those regulations so provide, by the employee of the office of destination. This signed form will be returned to the sender by the first mail. (Cet avis doit être signé par le destinataire ou par une personne y autorisée en vertu des règlements du pays de destination, ou, si ces règlements le comportent, par l'agent du bureau de destination, et renvoyé par le premier courrier directement à l'expéditeur.)					
	<input checked="" type="checkbox"/> The article mentioned above was duly delivered. (L'envoi mentionné ci-dessus a été dûment livré.)		Date		Postmark of the office of destination (Timbre du bureau de destination)	
	Signature of Addressee (Signature du destinataire)		Office of Destination Employee Signature (Signature de l'agent du bureau de destination)			
	PS Form 2865, October 1992 (Reverse)					



GEORGE R. NIMMER
PATENT ATTORNEY

PO Box 252
OMAHA, NE 68101-0252
(402) 393-0151

March 16, 2004

Steve Wright
159 File's Bay Road
Peterborough, Ontario K9J 6X3
CANADA

Registered Mail
Return Receipt Requested

Re: U.S. Pat. App. Ser. No. 10/627,415 - Two-Axis Robot for Specimen Transfer

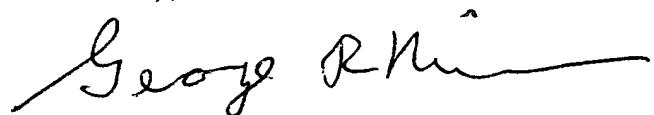
Dear Mr. Wright:

I represent Lab-InterLink with respect to the filing and prosecution of the above-identified patent application. It is my understanding that my client has contacted you in the past with a request that you sign an Oath/Declaration and an Assignment for this application. I also understand that you have refused to respond to that request.

I am writing to make one last attempt to obtain the requested signatures, or to obtain a specific refusal to sign these documents. I am enclosing a copy of the above-identified patent application, a Declaration for the application, and an Assignment for the application. If, after reviewing these documents, you maintain your intent to refuse to sign, please respond by either signing the "Refusal" enclosed herewith, or contact me directly (or leave a message on my answering machine) at the number above. I am enclosing a self-addressed envelope for either the signed Declaration and Assignment or the signed "Refusal".

If I receive no response from you within 10 days of receipt of these documents, I must take this silence to be a refusal to sign the documents.

Sincerely,


George R. Nimmer

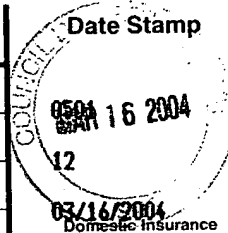
Cc: Lab-InterLink
Enclosures - Patent application, Declaration, Assignment, Refusal Slip, envelope



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Date Stamp



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	Postage \$	\$1.85	Restricted Delivery \$	\$0.00
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FROM	George R. Nimmer PO Box 252 51501 Omaha, NE 68101-0252
TO	Steve Wright CA Canada 159 Filer's Bay Road Peterborough, Ontario CANADA K9J 6X3

PS Form 3806,
June 2000

Receipt for Registered Mail

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(See Information on Reverse)

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	Letter (Lettre) <input checked="" type="checkbox"/> (Imprime) <input type="checkbox"/> (Autre) <input type="checkbox"/>		Insured Parcel <input type="checkbox"/> (Colis avec valeur déclarée)		Insured Value (Valeur déclarée)	
	Office of Mailing (Bureau de dépôt)		Date of Posting (Date de dépôt)		Article Number	
	Addressee Name or Firm (Nom ou raison sociale du destinataire)		Date of Posting (Date de dépôt)		Article Number	
Completed at destination. (A compléter à destination)	Steve Wright		159 Filer's Bay Road		Peterborough, Ontario CANADA K9J 6X3	
	This receipt must be signed by: (1) the addressee, or (2) a person authorized to sign under the regulations of the country of destination or (3) if those regulations so provide, by the employee of the office of destination. This signed form will be returned to the sender by the first mail.		The article mentioned above was duly delivered.		Postmark of the office of destination (Timbre du bureau de destination)	
	Signature of Addressee (Signature du destinataire)		Office of Destination Employee Signature (Signature de l'agent du bureau de destination)		Date 2004-05-16	
	PS Form 2865, October 1992 (Reverse)					



GEORGE R. NIMMER
PATENT ATTORNEY

PO Box 252
OMAHA, NE 68101-0252
(402) 393-0151

March 16, 2004

Sheri Kime
2000 Bensfort Road
RR#6
Peterborough, Ontario
CANADA K9J 6X7

Registered Mail
Return Receipt Requested

Re: U.S. Pat. App. Ser. No. 10/627,415 - Two-Axis Robot for Specimen Transfer

Dear Ms. Kime:

I represent Lab-InterLink with respect to the filing and prosecution of the above-identified patent application. It is my understanding that my client has contacted you in the past with a request that you sign an Oath/Declaration and an Assignment for this application. I also understand that you have refused to respond to that request.

I am writing to make one last attempt to obtain the requested signatures, or to obtain a specific refusal to sign these documents. I am enclosing a copy of the above-identified patent application, a Declaration for the application, and an Assignment for the application. If, after reviewing these documents, you maintain your intent to refuse to sign, please respond by either signing the "Refusal" enclosed herewith, or contact me directly (or leave a message on my answering machine) at the number above. I am enclosing a self-addressed envelope for either the signed Declaration and Assignment or the signed "Refusal".

If I receive no response from you within 10 days of receipt of these documents, I must take this silence to be a refusal to sign any of the documents.

Sincerely,

George R. Nimmer

Cc: Lab-InterLink

Enclosures - Patent application, Declaration, Assignment, Refusal Slip, envelope



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FROM

George R. Nimmer
PO Box 252
51501
Omaha, NE 68101-0252

TO

Shari Kime
CA Canada
2000 Benslow Road, RR #6
Peterborough, Ontario
CANADA K9J 6X7

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George R. Nimmer
PO Box 252
Omaha, NE 68101-0252

Sheri Kime
2000 Bensfort Road, RR#6
Peterborough, Ontario
CANADA K9J 6X7

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COUNCIL BLUFFS, IA
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MAR 16, 04
AMOUNT



UNITED STATES
POSTAL SERVICE

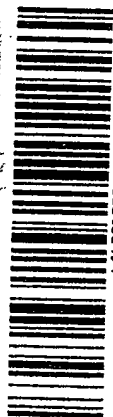
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201 922 717



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2004-03-24

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April 11